23. (Newly Added) An emergency reporting apparatus as recited in claim 22, further comprising means for preventing the volume level of sound generated by the loudspeaker from being decreased to less than the predetermined constant level.

**Remarks**

The following is a response to the Office Action dated April 25, 2002.

Per the above amendment, claims 11, 18 have been cancelled; claims 1, 9, 12, 13, 15, 16, 17, 19 amended; and claims 20, 21, 23, 24 added.

Even though Warnaka et al. U.S. patent 6,356,641 was cited by the examiner against claim 10, this reference was nonetheless missing from the package sent from the U.S. Patent Office and also was not listed in the Notice of References Cited (PTO-892 Form) attached to the Office Action. From a telephone conversation with the examiner dated May 24, 2002, the undersigned understands that the examiner will speak with his supervisor and will enclose a supplemental PTO-892 making of record the Warnaka reference with his next communication

The examiner has rejected claim 9 under 35 U.S.C. 102(a) as being anticipated by Timm et al. U.S. patent 5,890,061, and has rejected claim 11 as being unpatentable over the combination of Timm and Dawson et al. U.S. patent 4,683,591 under 35 U.S.C. 103(a).

Per the above amendment, claim 11 has been incorporated into claim 9, and claim 13 has been amended to depend from claim 9. Claims 13 and 14 were deemed by the examiner to contain allowable subject matters.

Applicants respectfully submit that amended claim 9 is patentable over the combination of Timm and Dawson et al. U.S. patent 4,683,591 under 35 U.S.C. 103(a).

Dawson discloses the selective coupling of the audio output to any one of a number of amplifiers, and speakers connected thereto, distributed throughout the area of the system such as a high-rise building. The reason that Dawson does this is to conserve the capacity of each amplifier so that only a minor portion of the capacity of each amplifier is used at any one time to amplify the audio input signal to actuate the speakers. (Column 2, line 59 to column 3, line 8).

In contrast, the inventive method of claim 9 would replace a loudspeaker of the audio system of the vehicle with another loudspeaker of the audio system only when the previously selected loudspeaker is deemed to be non-functional, such as for example damaged or out of order. This is disclosed in the specification on page 40, line 22 to page 44, line 5. Thus, claim 9, and the claims dependent therefrom, each should be deemed to be patentably distinguishable over the combination of Timm, Dawson and also Hamada et al. U.S. patent 5,295,192 and Rose U.S. patent 3,678,202.

The examiner has also rejected claims 1-8 as being obvious under 35 U.S.C. 103 (a) in view of a number of combination of references. In particular, the examiner has rejected claims 1 and 6 by combining Timm with McEvilly, Jr. U.S. patent 4,232,390. The examiner argues that McEvilly discloses a volume control circuit connected to allow the speaker and means for controlling the volume control circuit to adjust the volume level, noting Fig. 11 and column 15, lines 9-10.

In contrast to the assertion by the examiner, the McEvilly system in actuality is a control system that is provided to an emergency type vehicle for controlling the vehicle's electronic siren, public address system, radio receiver, outside speaker system, roof mounted light bar, and other equipment normally installed in this type of vehicle. (Column 1, lines 29-35) As best shown in Fig. 1, the panel of the McEvilly system includes a transmitter frequency select keyboard 10 and a receiver frequency select keyboard 10B. There is also a volume control panel including a number of volume control switches 80, 82, 84 and 86. By selecting the appropriate frequencies from the transmitter frequency select

keyboard 10a and the receiver frequency select keyboard 10b, the operator of the emergency vehicle is able to select the appropriate transmitter and receiver frequencies. As disclosed by McEvilly, console 10 of Fig. 1 may include an additional keyboard 10E that is shown in Fig. 11. The keyboard 10E provides the operator the ability to control the operation of the electronic siren, the public address unit and the radio receiver outside system of the vehicle. Note that the circuitry for these systems are located in the light bar 604. (Column 14, lines 49 to column 17, line 3) As further disclosed in column 15, lines 9-12, the volume control 600, which is used to vary the level of audio to the outside speaker 602 of the public address system, which is located at the light bar mounted to the roof of the emergency vehicle, is a manually operated control, the same as the other manually operated controls 80, 82, 84, 86 that are mounted to console 10 and operated by the operator of the vehicle. Putting it simply, as shown in Fig. 11, the volume control 600 of McEvilly has a variable resistor which can be manually operated by a user. Therefore, McEvilly fails to teach an automatic volume level control circuit as recited in amended claim 1. As recognized by the Examiner, Timm et al also fail to teach an automatic volume level control circuit.

Thus, in contrast to the instant invention as set forth in claim 1 where a volume control circuit connected to the loudspeaker automatically controls the volume of sound output to the driver of the vehicle so that a two-way speech communication may be held between the driver of the vehicle and the emergency report receiving center, McEvilly teaches the use of a manual switch for varying the volume of output from a speaker mounted to the outside of the vehicle for broadcasting to the public. There is no two-way communication as set forth by claim 1 being effected by McEvilly. Indeed, any two-way communication between the driver of the emergency vehicle and the dispatcher for the McEvilly system is done by means of Microphone 14 and speaker 34, as is done conventionally.

It is respectfully submitted that Fujiki et al. U.S. patent 6,188,891, relied upon by the examiner in combination with Timm and McEvilly for rejecting claims 2-4, fails to add much

to Timm and McEvilly, insofar as Fujiki discloses a communications device that is to be carried by an individual so that the individual could be readily found, when there is an emergency. (Column 6, lines 59-67) All of the embodiments disclosed in Fujiki are directed to the individual carried device as shown in Fig. 1 which do not disclose any automatic volume level control circuit. Accordingly, applicants respectfully submit that it would not be obvious for one skilled in the art to combine the circuitry of such portable device, which is very dimension sensitive, to the device as disclosed in McEvilly, which is not dimension sensitive, not to mention that the McEvilly device is a manually controlled system.

Claims 5, 7 and 8 were rejected under 35 U.S.C. 103(a) as being obvious over the combination of Timm, McEvilly and Nevins et al. U.S. patent 5,949,886.

In Nevins et al, the abstract discloses that a volume level of a microphone is set in response to measured environmental conditions. Thus, in Nevins et al, the volume level depends on the environmental conditions. Therefore, Nevins et a1 fail to teach an automatic volume level control circuit as recited in amended claim 1 which operates for automatically controlling a volume level of sound generated by the loudspeaker at a predetermined constant level or higher.

Thus, given the above discussion with respect to the combination of Timm and McEvilly where there is no disclosure of any automatic regulation of the output volume of a loudspeaker by a volume control circuit, the environmental conditioned volume level controller of Nevins simply does not add much to Timm and McEvilly, as the combination of Timm, McEvilly and Nevins fails to disclose the adjustment level of sound generated by the loudspeaker in response to the detector level background sound noise, as recited in claim 5, or in response to a received volume level control signal, as recited in claim 7. Since claim 8 depends from each of claims 1-7, the discussion above with respect to claim 1 is equally applicable.

As previously indicated, claim 9 has been amended to additionally recite a step of, in cases where the loudspeaker of the audio system is wrong, replacing the loudspeaker of the audio system with another loudspeaker of the audio system and thereby using another loudspeaker of the audio system as the handsfree speech communication loudspeaker. Timm fails to teach this added recitation in amended claim 9.

Regarding the rejection to claim 10, the Examiner further refers to Warnaka et al.

Warnaka et al fail to teach the added recitation in amended claim 9.

Claims 11 and 12 were rejected under 35 USC 103 (a) as being obvious over Timm and Dawson et al.

Dawson et al disclose changing loudspeakers. Applicants respectfully submit that Dawson et al fail to teach that in cases where the loudspeaker of the audio system is wrong, the loudspeaker of the audio system is replaced with another loudspeaker of the audio system and thereby another loudspeaker of the audio system is used as the handsfree speech communication loudspeaker. In other words, Dawson et al fail to teach the added recitation in amended claim 9.

Claim 15 was rejected under 35 USC 103 (a) as being obvious over Timm, Dawson and Hamada et al.

Hamada et al fail to teach the added recitation in amended claim 9.

Claim 16 was rejected under 35 USC 103 (a) as being obvious over Timm and Rose U.S. patent 3,678,202.

Rose discloses the impedance matching between the loudspeaker and the secondary winding of the transformer (column 2, lines 45-50). Rose fails to teach that in

cases where the loudspeaker of the audio system is wrong, the loudspeaker of the audio system is replaced with another loudspeaker of the audio system and thereby another loudspeaker of the audio system is used as the handsfree speech communication loudspeaker. In other words, Rose fails to teach the added recitation in amended claim 9.

As previously indicated, claim 17 was amended to additionally recite "means for automatically selecting one from among a plurality of loudspeakers of the audio system as the handsfree speech communication loudspeaker". None of Timm et al, McEvilly, Jr., and Dawson et al teach automatic selection of one from among a plurality of loudspeakers of the audio system as the handsfree speech communication loudspeaker.

Claim 19 was rejected under 35 USC 103 (a) as being obvious over Timm, Dawson and Prus.

Prus fails to teach the above-indicated added recitation in claim 17.

In view of the foregoing, applicants respectfully submit that the pending claims are patentable over the prior art. Accordingly, the examiner is respectfully requested to reconsider the application and pass the case to issue.

Respectfully submitted,

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Date: July 9 2002

## VERSION TO SHOW MARKINGS TO SHOW CHANGES MADE

### Attachment Specification Portions Pursuant to 37 C.F.R. 1.121(b)(1)(iii)

Please amend the specification as follows:

Paragraph bridging pages 2 -3:

Japanese published unexamined patent application 5-5626 discloses a navigation system which is designed so that data of emergency numbers fed from a CD-ROM, and its own position data of a vehicle estimated by means of a location device are stored in a FIFO memory. In addition, voices produced in the vehicle are stored in a voice storing device, and personal information about the driver of the vehicle and his fellow passengers is stored in an ID card device. In the navigation system of Japanese application 5-5626, the occurrence of an accident is detected by comparing a change in the signal of an acceleration sensor with a predetermined change in accident-caused impact acceleration. Upon detection of the occurrence of an accident, the information is outputted from the FIFO memory, the voice storing device, and the ID card device [to an external] externally via a communication unit.

Page 20, first paragraph:

A step 54 subsequent to the step 53 reads out information of a destination telephone number from the memory [14] 15. The designation telephone number is equal to the telephone number of a desired communication opposite party (a police station or an emergency report receiving center).

Page 42, first full paragraph:

The sensor 119P detects a condition of the loudspeaker 106P, for example, the input [imedance] impedance of the loudspeaker 106P or the level of sound generated by the

loudspeaker 106P. The sensor 119P outputs a signal to the controller 112A which represents the detected condition of the loudspeaker 106P. The sensor 119Q detects a condition of the loudspeaker 106Q, for example, the input [imedance] impedance of the loudspeaker 106Q or the level of sound generated by the loudspeaker 106Q. The sensor 119Q outputs a signal to the controller 112A which represents the detected condition of the loudspeaker 106Q.

**Attachment Claims Pursuant to 37 C.F.R. 1.121(c)(1)(ii)**

Please cancel claims 11, 18.

Please amend claims 1, 9, 12, 13, 15, 16, 17 and 19 as follows:

1. (Amended) An emergency reporting apparatus for a vehicle, comprising:

a microphone;

a loudspeaker;

a handsfree system circuit;

means for allowing handsfree two-way speech communication with an emergency report receiving center via the microphone, the loudspeaker, and the handsfree system circuit; and

a volume control circuit connected to the loudspeaker for automatically controlling a volume level of sound generated by the loudspeaker at a predetermined constant level or higher.

9. (Amended) In a vehicle including an audio system, a method of reporting an emergency, comprising the steps of:

allowing handsfree speech communication with an emergency report receiving center via a microphone and a loudspeaker; and using a loudspeaker of the audio system as the handsfree speech communication loudspeaker[.]; and

in cases where the loudspeaker of the audio system is wrong, replacing the loudspeaker of the audio system with another loudspeaker of the audio system and thereby

using another loudspeaker of the audio system as the handsfree speech communication loudspeaker.

12. (Amended) A method as recited in claim [11] 9, wherein the replacing step comprises the step of replacing the loudspeaker of the audio system with another loudspeaker of the audio system in response to user's manual operation.

13. (Amended) A method as recited in claim [11] 9, wherein the replacing step comprises the step of replacing the loudspeaker of the audio system with another loudspeaker of the audio system in response to a loudspeaker change requirement signal transmitted from the emergency report receiving center.

15. (Amended) A method as recited in claim [11] 9, wherein the replacing step comprises the steps of detecting a level of sound generated by the loudspeaker of the audio system, and replacing the loudspeaker of the audio system with another loudspeaker of the audio system in response to the detected sound level.

16. (Amended) A method as recited in claim [11] 9, wherein the replacing step comprises the steps of detecting an impedance of the loudspeaker of the audio system, deciding whether the loudspeaker of the audio system is normal or wrong in response to the detected impedance of the loudspeaker, and replacing the loudspeaker of the audio system with another loudspeaker of the audio system when the loudspeaker of the audio system is decided to be wrong.

17. (Amended) An emergency reporting apparatus for a vehicle including an audio system, the [appratus] apparatus comprising:

a microphone;

a loudspeaker;

a handsfree system circuit; and

means for allowing handsfree speech communication with an emergency report receiving center via the microphone, the loudspeaker, and the handsfree system circuit; and

wherein the handsfree speech communication loudspeaker uses a loudspeaker of the audio system [.] ;

means for automatically selecting one from among a plurality of loudspeakers of the audio system as the handsfree speech communication loudspeaker.

19. (Amended) An emergency reporting apparatus as recited in claim [18, wherein the selecting means comprises] 17, further comprising a unit manually operable by a user, and means for selecting one from among loudspeakers of the audio system as the handsfree speech communication loudspeaker in response to manual operation of the unit by the user.

Please add new claims 20, 21, 23 and 24 as follows:

20. (Newly Added) An emergency reporting apparatus for a vehicle, comprising:

a microphone;

a loudspeaker;

a handsfree system circuit;

a volume control circuit connected to the loudspeaker for controlling a volume level of sound generated by the loudspeaker at a predetermined constant level or higher;

a communication device; and

a processor operates to implement handsfree two-way speech communication with an emergency report receiving center via the microphone, the loudspeaker, the handsfree system circuit, and the communication device.

21. (Newly Added) An emergency reporting apparatus for a vehicle having an audio system including a plurality of loudspeakers, comprising:

a microphone;

a handsfree system circuit;

a communication device; and

a processor operates to implement handsfree two-way speech communication with an emergency report receiving center via the microphone, the handsfree system circuit, the communication device and at least one selected loudspeaker from among the plurality of loudspeakers of the audio system of the vehicle having determined to be operational.

22. (Newly Added) An emergency reporting apparatus for a vehicle, comprising:

a microphone;

a loudspeaker;

a handsfree system circuit;

means for allowing handsfree two-way speech communication with an emergency report: receiving center via the microphone, the loudspeaker, and the handsfree system circuit; and

a volume control circuit connected to the loudspeaker for automatically controlling a volume level of sound generated by the loudspeaker at a predetermined constant level or higher during emergency reporting.

23. (Newly Added) An emergency reporting apparatus as recited in claim 22, further comprising means for preventing the volume level of sound generated by the loudspeaker from being decreased to less than the predetermined constant level.